

# **CITY COUNCIL AGENDA**

**SEPTEMBER 30, 2003**

**AMENDED AGENDA**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
TERRY O. GREGORY  
DAVID D. CORTESE  
JUDY CHIRCO  
PAT DANDO, VICE MAYOR

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.ci.san-jose.ca.us/cty\\_clk/agenda.htm](http://www.ci.san-jose.ca.us/cty_clk/agenda.htm)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:30 a.m. - Closed Session, Room 600, City Hall  
See Separate Agenda  
1:30 p.m. - Regular Session, Council Chambers, City Hall  
7:00 p.m. - Public Hearings, Council Chambers, City Hall
- **Invocation (District 8)**  
Silver Creek High School NJROTC Color Guard & Drill Teams
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEMS 10.1, 10.2, AND 10.3 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.**

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

## **1 CEREMONIAL ITEMS**

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- 1.1** Presentation of a proclamation declaring September "National Alcohol and Drug Addiction Recovery Month". The Asian American Recovery Services, Inc. has been working to decrease the incidence and impact of substance abuse in the Asian/Pacific Islander community since 1985 by developing innovative outreach, treatment, prevention and research services for its target population. (LeZotte)  
**TO BE HEARD IN THE EVENING**
- 1.2** Presentation of the Mark E. Keane Award to City Manager Del D. Borgsdorf. (Mayor)  
\* **RECOMMEND DEFERRAL TO 10/14/03**

## 2 CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

### 2.1 Approval of Minutes.

**Recommendation:** Approval of City Council Minutes for:

- (a) Regular meeting of May 6, 2003
- (b) Regular meeting of May 13, 2003
- (c) Regular meeting of May 20, 2003
- \* (d) Joint City Council/Redevelopment Agency Board meeting of May 13, 2003

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26983 – Approves the assignment of the Commercial Solid Waste and Recyclables Collection Franchise from Greenteam of San José dba GT Waste to Waste Connections of California, Inc.
- (b) ORD. NO. 26984 – Prezones certain real property situated on the southwest corner of Baton Rouge and North Capitol Avenue to A(PD) Planned Development Zoning District. PDC 03-034
- (c) ORD. NO. 26985 - Prezones certain real property situated on the west side of North King Road, approximately 250 feet southerly of Commodore Drive to A(PD) Planned Development Zoning District. PDC 02-104
- (d) ORD. NO. 26986 - Rezones certain real property situated on the southwest corner of McKee Road and José Figueras Avenue to CN Commercial Neighborhood Zoning District. C 03-048.

### 2.3 Approval of appointments to the City of San José Housing Trust Fund Board.

**Recommendation:** Approval of appointments to the City of San José Housing Trust Fund Board. (Mayor)

(Deferred from 9/2/03 – Item 2.7 et al., and 9/16/03 – Item 2.7)

- \* **RECOMMEND DEFERRAL TO 10/7/03**

## 2 CONSENT CALENDAR

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### 2.4 Approval of an agreement to install antenna and communication equipment at the Airport.

**Recommendation:** Approval of a Non-Exclusive Installation and Property Use Agreement Between the City of San José and Aeronautical Radio, Inc. for the installation of antenna and related communication equipment to support the operations of the Federal Transportation Security Administration at the Norman Y. Mineta San José International Airport, for a period of ten years from the date of approval, at no charge to Aeronautical Radio, Inc. CEQA: Resolution Nos. 67380 and 71451, PP 03-09-274. (Airport)

### 2.5 Approval to amend the agreement related to Integrated Airport Accounts Receivable and Property Management System.

- \* **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute a fourth amendment and continuation agreement to the consultant agreement with BearingPoint, Inc., for services in connection with the selection and implementation of an Integrated Airport Accounts Receivable and Property Management System, to extend the term of the agreement from June 30, 2003 to June 30, 2004, at no increase in total compensation. CEQA: Not a Project. (Airport)

### 2.6 Approval to amend an agreement with the Downtown College Prep Charter School.

- \* **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute the third amendment to the Line of Credit Agreement with Across the Bridge Foundation, Inc. to provide for the fourth and final \$150,000 installment of a multi-year no interest gap financing Line of Credit, increasing the line of credit amount to \$600,000 for the operation of Downtown College Prep Charter School. CEQA: Not a Project. Council District 3. SNI: University. (City Manager's Office)

### 2.7 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

**Recommendation:** Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #3, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

### 2.8 Approval to award a contract to replace light fixtures at the Convention Center Parking Garage.

**Recommendation:** Report on Request for Quotation and award for replacing light fixtures at the San José Convention Center Parking Garage with Ray Scheidts Electric, Inc. (San José, CA), for a total cost of \$102,644 including tax and freight, and authorization for the Director of General Services to execute the service order. CEQA: Not a Project. (General Services)

## 2 CONSENT CALENDAR

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### 2.9 Approval of various actions related to the Library Department's Self Check and Theft Detection Equipment.

**Recommendation:**

- (a) Approval of award for the purchase of annual service maintenance for the Library Department's Self Check and Theft Detection Equipment and software with 3M Library Service Systems (St. Paul, MN), for a total cost of \$103,663.51, and authorization for the Director of General Services to execute the purchase order; and
- (b) Award purchase orders to renew service maintenance for up to four additional one-year periods without further Council action other than the appropriation of funds.

CEQA: Not a Project. (General Services)

### 2.10 Approval of an agreement related to the Automated Fingerprint Identification System.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to:

- (a) Execute a Maintenance Agreement with Printrak International Inc., a Motorola Company ("Printrak"), for hardware and software for the Automated Fingerprint Identification System (AFIS) and associated equipment maintained by the Central Identification Unit, in an amount not to exceed \$362,913, for the period October 1, 2003 through September 30, 2004; and
- \* (b) Exercise up to four (4) one-year options to extend the term of the agreement with Printrak, in an amount not to exceed \$362,913 for each of the 4 years, without further Council action other than the appropriation of funds for each option year.

CEQA: Not a Project. (General Services/Police)

### 2.11 Approval of various actions related to a grant for the Willow Glen Spur Trail Project.

**Recommendation:** Adoption of a resolution:

- (a) Authorizing the City Manager to submit a grant application in an amount not to exceed \$200,000 to the California Department of Parks and Recreation - Office Of Grants And Local Services' Recreational Trails Program for the acquisition and/or development of property associated with the Willow Glen Spur Trail Project; and in order to receive any funds awarded, the City will be required to provide a match equal to 20%, of which 5% must come from a non-federal source.
- (b) Authorizing the City Manager to negotiate and execute all agreements and documents necessary for the receipt of any award made as a result of the aforementioned application, including relevant project completion reports and payment requests.

CEQA: Exempt, PP03-09-296. Council District 6. (Parks, Recreation and Neighborhood Services)

## 2 CONSENT CALENDAR

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### 2.12 Approval of various actions related to the annexation of land.

**Recommendation:**

- (a) Adoption of a resolution initiating proceedings and setting October 14, 2003 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as Berryessa No. 67, which involves the annexation to the City of San José of 6.72 acres of land, located on the west side of King Road, approximately 250 feet southerly of Commodore Drive and generally bounded by the City of San José Annexations Berryessa No. 49, Berryessa No. 41, Berryessa No. 66, Penitencia No. 66, and Berryessa No. 52, and the detachment of the same from the appropriate special districts including: Central Fire Protection and the County Service Area No. 01 (County Library Services Area). CEQA: Mitigated Negative Declaration, PDC02-104. Council District 4. (Planning, Building and Code Enforcement)
- (b) Adoption of a resolution initiating proceedings and setting October 14, 2003 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as McKee No. 122 which involves the annexation to the City of San José of 3.33 acres of land, including the abutting portion of right-of-way between Cedarville Lane and North Capitol Avenue, located on the southeast corner of Capitol Avenue and Baton Rouge Drive and generally bounded by the City of San José Annexations McKee No. 78-A and McKee No. 97, and the detachment of the same from the appropriate special districts including: Central Fire Protection and the County Service Area No. 1 (County Library Services Area). CEQA: Mitigated Negative Declaration, PDC03-034. Council District 4. (Planning, Building and Code Enforcement)

### 2.13 Approval of an agreement for the Senter Road Widening Project.

**Recommendation:** Approval of a consultant agreement with CCS Planning and Engineering, Inc. to provide environmental documentation and right-of-way engineering for the Senter Road Widening Project in an amount not to exceed \$373,001, with a term from the date of execution to December 31, 2004. CEQA: Not a Project. Council Districts 2 and 7. (Public Works)

### 2.14 Approval to set a public hearing for the Route 880 at Coleman Avenue Interchange Project.

**Recommendation:** Adoption of a resolution setting a public hearing on October 21, 2003 at 7:00 p.m. for the approval of a freeway agreement with the State of California's Department of Transportation for the Route 880 at Coleman Avenue Interchange Project. CEQA: Resolution No. 71488, PP03-02-071. Council District 3. (Transportation)

## 2 CONSENT CALENDAR

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### 2.15 Approval of an agreement for the design of the Silicon Valley - ITS Fremont-Milpitas Project.

**Recommendation:** Approval of the second amendment to the agreement for consultant services between the City of San José and Kimley-Horn and Associates, for the design of the Silicon Valley - ITS (SV-ITS) Fremont-Milpitas Project, to extend the current term of the agreement to March 31, 2004, at no additional cost. CEQA: Not a Project. (Transportation)

### 2.16 Approval of Council Member Linda LeZotte's travel.

- \* **Recommendation:** Approval of Council Member Linda LeZotte's travel to Vancouver, British Columbia, Canada, October 2-3, 2003 for the Silicon Valley Chamber of Commerce's Annual Economic Development City-to-City Visit. Funding: San José/Silicon Valley Chamber of Commerce. (LeZotte)  
(Rules Committee referral 9/24/03)

### 2.17 Approval of Mayor Ron Gonzales' and Joe Guerra's, Mayor's Budget and Policy Director travel requests.

- \* **Recommendation:** Approval of Mayor Gonzales' and Joe Guerra's travel to Vancouver, British Columbia, Canada, October 2-3, 2003 for the Silicon Valley Chamber of Commerce's Annual Economic Development City-to-City Visit. Funding: Silicon Valley Chamber of Commerce. (Mayor)  
(Rules Committee referral 9/24/03)

## 3 STRATEGIC SUPPORT SERVICES

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### 3.1 Report of the Study Session Mayor Gonzales, Chair

### 3.2 Report of the Rules Committee – September 17, 2003 Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review September 30, 2003 Draft Agenda
  - (2) Add New Items to September 23, 2003 Amended Agenda
    - Mayor and Council Member Requests
    - City Manager Requests
    - City Attorney Requests
    - City Clerk Requests
  - (3) List of Reports Outstanding

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee – September 17, 2003 (Cont'd)**

**Vice Mayor Dando, Chair**

- (c) Legislative Update
  - (1) State
  - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointment to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
- (h) Oral communications
- (i) Adjournment

#### **3.3 Report of the Making Government Work Better Committee Council Member Campos, Chair**

#### **3.4 Approval of RFP Process for the management of the Convention Center and Cultural Facilities.**

- \* **Recommendation:** Approval of the timeline for a Request for Proposals for the management and operation of the Convention Center, and any other cultural facilities.  
CEQA: Not a Project. (City Manager's Office)

#### **3.5 Public Notification and Dissemination of Information in Public Safety Investigations.**

- \* **Recommendation:** City staff presentation on the public notification and dissemination of information in Public Safety Investigations.  
(Cortese)  
(Continued from 9/23/03 – Item 3.5)

### **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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#### **4.1 Report of the Building Strong Neighborhoods Committee – September 15, 2003 Council Member Chavez, Chair**

- (a) Discussion of Trails Prioritization
- (b) City's Volunteer Program
- (c) Report on Strengthening the Boards and Commissions
- (d) Oral petitions
- (e) Adjournment

#### **4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Public Hearing on the designation of the Moody Flats Apartment Building (311 N. Second Street) as a landmark.**

**Recommendation:** PUBLIC HEARING and adoption of a resolution approving the designation of the Moody Flats Apartment Building on a 0.15 gross acre site, located at 311 N. Second Street, as a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature. (Henry R. Lutz, Owner). CEQA: Exempt, PP03-07-248. SNI: 13<sup>th</sup> Street. (Planning, Building and Code Enforcement) HL 03-148 - District 3

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair**

### **5.2 Approval to award a contract for the Evergreen Community Center Expansion Project.**

\* **Recommendation:** Report on bids and award of contract for the Evergreen Community Center Expansion Rebid Project to the low bidder, I.C.C. General Contractors in the amount of \$949,347, to include base bid and Add Alternates 1a, 1b, 2, 3, 5, 7, and 8, and approval of a contingency in the amount of \$93,000. CEQA: Exempt, PP02-05-103. Council District 8. (Public Works/Parks, Recreation and Neighborhood Services)

### **5.3 Naming of City-owned facility.**

\* **Recommendation:** Recommendation of the Parks and Recreation Commission to name a one-third acre park at Scott Street and Menker Avenue “Buena Vista Park.” (City Clerk/Parks and Recreation Commission)  
(Rules Committee referral 9/24/03)

## **6 TRANSPORTATION SERVICES**

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### **6.1 Report of the Building Better Transportation Committee – September 8, 2003 Council Member Cortese, Chair**

- (a) Expansion and Improvement of Transit and Transportation Systems
    - (1) No items
  - (b) Traffic Relief/Safe Streets
    - (1) Report on Construction Impact Mitigation Plan (CIMP) Outreach  
**SEE ITEM 6.2 FOR COUNCIL ACTION TO BE TAKEN**
    - (2) School Transportation Safety Programs
  - (c) Supporting Smart Growth
    - (1) No items
  - (d) Regional Relationships/Funding/Policy
    - (1) State, Federal, and Local Legislative Update
    - (2) Santa Clara Valley Transportation Agency (Valley Transportation Authority), Valley Transportation Plan (VTP) 2020 Update  
**SEE ITEM 6.3 FOR COUNCIL ACTION TO BE TAKEN**
  - (e) Oral petitions
  - (f) Adjournment
- (Deferred from 9/23/03 - Item 6.1)

### **6.2 Review of an ordinance related to a Construction Impact Mitigation.**

#### **Recommendation:**

- (a) Approval of an ordinance amending Titles 13 and 15 of the San José Municipal Code to revise Chapters 13.36 and 15.50, setting forth a requirement that a Construction Impact Mitigation Plan be prepared for all major construction projects in the public right of way, unless the City has otherwise entered into a Cooperation Agreement requiring such a Plan.
- (b) Adoption of a resolution amending Resolution No. 71216 to take effect on 11/13/03 establishing an administrative fine of \$5,000 per day for violations of the Construction Impact Mitigation Plan requirements.

(City Manager's Office/Redevelopment Agency)

[Building Better Transportation Committee referral 9/8/03 – Item 6.1(b)(1)]

(Deferred from 9/23/03 - Item 6.2)

**RECOMMEND DEFERRAL TO 10/7/03**

### **6.3 Adoption of projects and priorities for VTA's Local Streets and County Road Program.**

- \* **Recommendation:** Adoption of a resolution selecting candidate transportation improvement projects as part of the Valley Transportation Authority's Local Streets and County Roads program. (Transportation)  
[Building Better Transportation Committee referral 9/8/03 – Item 6.1(d)(2)]  
(Deferred from 9/23/03 - Item 6.3)

## **6 TRANSPORTATION SERVICES**

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### **6.4 Approval of various actions related to flexible pricing of Convention Center facilities.**

**Recommendation:**

- (a) Approval of an ordinance amending Sections 22.01.070 and 22.01.080 of Chapter 22.01 of Title 22 of the San José Municipal Code authorizing the Director of Convention, Arts & Entertainment to reduce facility fees for the use of the Convention and Cultural Facilities; and
- (b) Adoption of a resolution amending the Master Parking Rate Schedule to modify parking rates charged at the convention center garage by:
  - (1) Authorizing the Director of Convention, Arts & Entertainment to reduce or increase flat parking rates;
  - (2) Establishing incremental parking rates for non-event days; and
  - (3) Including the convention center garage in the Downtown Retail Validation Program.

CEQA: Exempt, PP03-09-297. Council District 3. (Conventions, Arts and Entertainment/Transportation).

\* **RECOMMEND DEFERRAL TO 10/7/03**

### **6.5 Public Hearing on adoption of a resolution vacating a portion of a Public Service Easement between Skyport Drive and Sonora Avenue.**

**Recommendation:** PUBLIC HEARING and adoption of a resolution vacating a portion of a Public Service Easement (PSE) along the right-of-way of a private street (formerly Technology Drive) between Skyport Drive and Sonora Avenue. CEQA: Resolution No. 69421. Council District 3. (Public Works)

### **6.6 Adoption of a resolution supporting the Santa Clara Valley Transportation Authority's Community Design and Transportation Program.**

\* **Recommendation:** Adoption of a resolution supporting the Santa Clara Valley Transportation Authority's (VTA) Community Design and Transportation Program. CEQA: Resolution No. 65459, PP03-09-301. (Transportation/Planning, Building and Code Enforcement)

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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### **7.1 Public Hearing and approval of an ordinance modifying Storm Water Runoff Management and Post-Construction Storm Water Quality Control provisions in the San José Municipal Code.**

**Recommendation:** PUBLIC HEARING on approval of an ordinance amending Title 20 of the San José Municipal Code to modify and add provisions related to Storm Water Runoff Management and Post-Construction Storm Water Quality Control. CEQA: Addendum to San José 2020 General Plan Environmental Impact Report Resolution No. 65459, PP03-07-224. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). (Planning, Building, and Code Enforcement)

(Continued from 8/19/03 - Item 7.1 and 9/23/03 - Item 7.1)

\* **RECOMMEND DEFERRAL TO 10/7/03**

### **7.2 Public Hearing on proposed revisions to the City Council Policy on Post-Construction Urban Runoff Management.**

**Recommendation:** PUBLIC HEARING on proposed revisions to the City Council Policy on Post-Construction Urban Runoff Management in order to:

- (1) Maintain consistency with the requirements of the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System (NPDES MS4 Permit) issued to the City of San José and the other co-permittees that constitute the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP); and
- (2) Establish a waiver program that will allow project proponents to request a waiver from the requirement to install treatment Best Management Practices (BMPS) for a given project, upon an appropriate showing of impracticability, and with provision to treat an equivalent pollutant loading or quantity of stormwater runoff, or provide other equivalent water quality benefit. CEQA: Addendum to San José 2020 General Plan Environmental Impact Report Resolution No. 65459, PP03-07-225.

(Planning, Building, and Code Enforcement)

(Continued from 8/19/03 - Item 7.2 and 9/23/02 - Item 7.2)

\* **RECOMMEND DEFERRAL TO 10/7/03**

## 8 AVIATION SERVICES

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### 8.1 Approval of an agreement related to the Airport Master Plan for construction management services.

**Recommendation:** Approval of a master agreement with Gilbane Building Company for professional services associated with construction of capital improvements for the Norman Y. Mineta San José International Airport Master Plan, in an amount not to exceed \$15,000,000, for a term from the date of execution through January 31, 2008. CEQA: Resolution Nos. 67380 and 71451, PP 03-08-266. (Public Works)  
(Deferred from 9/16/03 – Item 8.1)

## 9 PUBLIC SAFETY SERVICES

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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**CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 10.1, 10.2, AND 10.3 IN A JOINT SESSION**

### 10.1 Approval of recommendations related to the Getting Families Back to Work study sessions.

**Recommendation:** Approval of remaining recommendations related to policy changes and initiatives related to economic development and outcomes from the Getting Families Back to Work study sessions. (Mayor)  
(Continued from 9/16/03 – Item 10.1)

### 10.2 Approval of proposed Design Guidelines for the Guadalupe River Park and Gardens.

\* **Recommendation:** Approval of proposed Design Guidelines for the Guadalupe River Park and Gardens. (Redevelopment Agency/City Manager's Office)  
**RECOMMEND DEFERRAL TO 10/7/03**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 10.3 Approval of a Memorandum of Understanding with BEA Systems, Inc.

- \* **Recommendation:** Adoption of resolutions by the City Council and Redevelopment Agency Board approving a Memorandum of Understanding between the City of San José and BEA Systems, Inc., and authorizing the City Manager and the Executive Director to negotiate a Development Agreement with BEA Systems, Inc., to facilitate the expansion of the company's corporate headquarters located on North First Street in the Rincon de Los Esteros Redevelopment Project Area to 2.8 million square feet. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)  
(Rules Committee referral 9/24/03)

### ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9523	n/s of Quimby Road, 1000' w/o White Road	8	Braddock & Logan	25 units	SFD	Approve
9502	Floyd & Lick (NE/c)	3	Core Dev	16 units	SFA	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9533	S/S of Woodard Rd., e/o Starview Drive	9	FMA Development	6 lots/5 units	SFD

- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 p.m.

## 11 PUBLIC HEARINGS

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(To be heard by the City Council at 7:00 p.m.)

### 11.1 Public Hearing and approval of an ordinance modifying Downtown Zoning Regulations.

**Recommendation:** PUBLIC HEARING on approval of an ordinance amending Chapter 20.70 of Title 20 of the San José Municipal Code by modifying the provisions of the Downtown Zoning Regulations. CEQA: Resolution No. 65459, PP03-05-169.

(Planning, Building, and Code Enforcement)

(Continued from 6/3/03 – Item 11.3 and 8/19/03 – Item 11.1)

\* **RECOMMEND CONTINUANCE TO 10/21/03**

### 11.2 Public Hearing on appeal of the Planning Commission's decision to approve a Conditional Use Permit.

**Recommendation:** PUBLIC HEARING ON APPEAL of the Planning Commission's decision to approve, with standard and special conditions, a Conditional Use Permit to allow an addition to an existing public utility facility (San José Water Company) located on the northwest corner of San Tomas Expressway and Williams Road in the R-1-8 Residence Zoning District on a 17 acre site. The proposed addition consists of two settling ponds and three storage bins for temporary storage of excavated soil, asphalt, concrete, and base rock. (San José Water Company, Owner/Developer). CEQA: Exempt, CP03-009. Director of Planning, Building and Code Enforcement recommends upholding the decision of the Planning Commission to approve.

CP 03-009 - District 1

(Continued from 6/17/03 – Item 11.3 et al., and 9/2/03 – Item 11.1)

\* **RECOMMEND CONTINUANCE TO 10/21/03**

### 11.3 Public Hearing on planned development rezoning of the property located at 1303 Lick Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Lick Avenue and West Alma Avenue (1303 Lick Ave.), from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 260 multi-family attached residential uses on a 3.18 gross acre site. (Dwad Properties and Sal Lobue Trust, Owner; Barry Swenson Builder Marianne Bacigalupi, Developer). CEQA: Mitigated Negative Declaration. SNI: Washington. Director of Planning, Building and Code Enforcement recommends approval and Planning Commission recommends approval with the following additional recommendations: (1) A park should be developed in tandem with the subject proposal. (2) The Santa Clara Valley Transportation property located immediately to the north of the subject site should develop with a combination of housing, retail and open space in order to created an appropriated transit oriented node (7-0-0).

PDC 02-072 - District 3

(Continued from 8/19/03 – Item 11.14 and 9/16/03 – Item 11.1)

## 11 PUBLIC HEARINGS

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### 11.4 Public Hearing on planned development rezoning of the property located at 1201 Fleming Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT

REZONING of the property located at the south side of Fleming Avenue, approximately 490 feet southeasterly of Story Road (1201 Fleming Ave.), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 5 single-family detached residences on a 1.36 gross acre site. (Touche Properties, Inc., Owner). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of alternate plan with dedication for extension of Feller Avenue (7-0-0).

PDC 02-091 - District 5

(Continued from 9/16/03 – Item 11.3)

### 11.5 PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at South 34<sup>th</sup> Street and Los Suenos Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT

REZONING of the property located at the west side of South 34<sup>th</sup> Street, opposite of Los Suenos Avenue, from R-1-8 Residential District to A(PD) Planned Development Zoning District, to allow 3 single-family detached residences on a 0.88 gross acre site. (Zurich Properties, LP, Owner; Innovative Housing Solutions, Grant A. Denmark, Jr., Developer). CEQA: Exempt. SNI: Gateway East. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 03-021 - District 5

### 11.6 PUBLIC HEARING ON CONFORMING REZONING of the property located at Zanker Road and Tasman Drive.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the west side of Zanker Road, approximately 600 feet southerly of Tasman Drive, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow an addition of up to three ground floor corporate housing or live/work units and up to 97 multi-family attached residential units to the already approved total of 2,700 multi-family units on 61.9 gross acres. (Irvine Apartment Communities, Owner/Developer). CEQA: Resolution No. 68667. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 03-043 - District 4

## 11 PUBLIC HEARINGS

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### 11.7 PUBLIC HEARING ON CONFORMING REZONING of the property located at 3630 San Felipe Road.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the north side of San Felipe Road, approximately 50 feet northwesterly of Fowler Road (3630 San Felipe Road), from R-1-5 Residence Zoning District to CG Commercial General to allow commercial uses on a 0.34 gross acre site. (Sylvia Mendoza, Owner). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.  
C 03-070 - District 8

- Open Forum
- Adjournment